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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
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9 MARIO ZAMORA, )  
10 Petitioner, ) 3:10-cv-00656-LRH-VPC  
11 vs. )  
12 WARDEN E.K. McDANIEL, et al., ) ORDER DISMISSING PETITION  
13 Respondents. )  
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15 The petitioner has presented the Court with a petition for writ of habeas corpus pursuant to 28  
16 U.S.C. § 2254 and has paid the filing fee.

17 It appears to the Court from the face of the petition that it is fatally flawed. First, it appears that  
18 the single claim raised in the petition has not been previously presented to the Nevada Supreme Court  
19 for review making the claim unexhausted. Petition, pp. 1, 4; *see* 28 U.S.C. § 2254(b)(1). Second, the  
20 petition does not identify a federal claim for relief. Petition, p. 3; *see* 28 U.S.C. § 2254(a).

21 Petitioner is advised that to exhaust a claim, petitioner must have "fairly presented" that specific  
22 claim to the Supreme Court of Nevada. *See Picard v. Conner*, 404 U.S. 270,275-76 (1971);  
23 *Schwartzmiller v. Gardner*, 752 F.2d 1341, 1344 (9th Cir. 1984). Petitioner has not presented any  
24 claims to the Nevada Supreme Court. Moreover, he has not identified the federal basis for his claim.  
25 Accordingly the petition shall be dismissed without prejudice.

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1           **IT IS THEREFORE ORDERED** that the petition is **DISMISSED** without prejudice. The  
2 Clerk shall enter judgment accordingly.

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4           Dated this 28th day of October, 2010.



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7           LARRY R. HICKS  
8           UNITED STATES DISTRICT JUDGE  
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